

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHANECKA WILSON, §
§
Plaintiff, §
§
v. § No. 3:14-cv-2648
§
GENPACT SERVICES, LLC, §
§
Defendant. §

COMPLAINT

SHANECKA WILSON (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., alleges the following against GENPACT SERVICES, LLC (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).
2. Count II of Plaintiff’s Complaint is based on Texas Statute, Finance Code, § 392.302 *et seq.* (“Texas Finance Code”).
3. Count III of Plaintiff’s Complaint alleges that Defendant negligently, knowingly and/or willfully violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”).

JURISDICTION and VENUE

4. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

5. Defendant conducts business in the State of Texas thereby establishing personal jurisdiction.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

7. Plaintiff is a natural person residing in Cedar Hill, Dallas County, Texas.

8. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3) and Texas Finance Code § 392.001(1).

9. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5) and Texas Finance Code § 392.001(2).

10. Defendant is a business entity with an office located at 105 Madison Ave., Front 2, New York, New York 10016.

11. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Texas Finance Code § 392.001(6).

12. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

13. Prior to the filing of this action, an account was placed with Defendant by a non-party to collect monies from Plaintiff alleged to be owed and past due (“debt”).

14. Upon information and belief, the alleged debt arises from transactions for personal, family and/or household purposes.

15. In its attempts to collect the alleged debt, Defendant places telephone calls to Plaintiff (“collection calls”) on her cellular telephone, at telephone number (469) 337-50xx.

16. Defendant has been assigned multiple telephone numbers from its telephone service

providers which were used to place collection calls to Plaintiff including, but not limited to, 513-322-0981, 513-322-0984, and 513-830-9687

17. Per its prior business practices, each of Defendant's collection calls were placed using an automatic telephone dialing system or other equipment capable of storing and producing telephone numbers at random or sequential periods to be dialed ("auto dialer").

18. Around the beginning of March, 2014, Plaintiff instructed Defendant to stop calling her.

19. Plaintiff revoked any consent, express or implied, to receive Defendant's calls using an automated telephone dialing system in course of the conversation in or around March, 2014.

20. Despite Plaintiff's request, Defendant continues to place collection calls to her cellular telephone.

21. Defendant's collection calls to Plaintiff's cellular telephone include, but are not limited to, the following:

- 1) 3/8/2014 5:05 PM
- 2) 3/8/2014 5:36 PM
- 3) 3/9/2014 8:38 AM
- 4) 3/9/2014 9:56 AM
- 5) 3/9/2014 3:33 PM
- 6) 3/9/2014 4:35 PM
- 7) 3/11/2014 8:50 AM
- 8) 3/11/2014 9:52 AM
- 9) 3/11/2014 5:46 PM
- 10) 3/12/2014 8:46 AM
- 11) 3/12/2014 10:05 AM
- 12) 3/12/2014 4:45 PM
- 13) 3/12/2014 8:11 PM
- 14) 3/13/2014 10:15 AM
- 15) 3/13/2014 8:25 PM
- 16) 3/14/2014 9:42 AM
- 17) 3/14/2014 11:35 AM
- 18) 3/14/2014 4:59 PM
- 19) 3/14/2014 7:52 PM

20) 3/15/2014 8:45 AM
21) 3/15/2014 12:41 PM
22) 3/15/2014 2:09 PM
23) 3/15/2014 3:08 PM
24) 3/16/2014 9:08 AM
25) 3/16/2014 12:09 PM
26) 3/16/2014 1:50 PM
27) 3/16/2014 3:15 PM
28) 3/17/2014 9:21 AM
29) 3/17/2014 12:23 PM
30) 3/17/2014 5:46 PM
31) 3/17/2014 8:45 PM
32) 3/18/2014 11:50 AM
33) 3/18/2014 4:50 PM
34) 3/18/2014 8:04 PM
35) 3/19/2014 9:13 AM
36) 3/19/2014 4:48 PM
37) 3/19/2014 8:12 PM
38) 3/20/2014 8:36 AM
39) 3/20/2014 11:00 AM
40) 3/20/2014 5:28 PM
41) 3/20/2014 8:22 PM
42) 3/21/2014 8:32 AM
43) 3/21/2014 10:18 AM
44) 3/21/2014 5:40 PM
45) 3/22/2014 10:14 AM
46) 3/22/2014 11:51 AM
47) 3/22/2014 1:49 PM
48) 3/22/2014 3:36 PM
49) 3/23/2014 12:54 PM
50) 3/23/2014 2:45 PM
51) 3/24/2014 8:48 AM
52) 3/24/2014 10:10 AM
53) 3/24/2014 5:20 PM
54) 3/24/2014 8:37 PM
55) 3/25/2014 8:49 AM
56) 3/25/2014 10:11 AM
57) 3/25/2014 4:57 PM
58) 3/25/2014 8:11 PM
59) 3/26/2014 8:27 AM
60) 3/26/2014 10:13 AM
61) 3/26/2014 5:13 PM
62) 3/26/2014 7:57 PM
63) 3/27/2014 8:23 AM
64) 3/27/2014 9:45 AM

65) 3/28/2014 8:28 AM
66) 3/28/2014 9:39 AM
67) 3/28/2014 5:06 PM
68) 3/28/2014 8:07 PM
69) 3/29/2014 8:16 AM
70) 3/29/2014 8:57 AM
71) 3/29/2014 1:28 PM
72) 3/29/2014 3:11 PM
73) 3/30/2014 8:55 AM
74) 3/30/2014 11:51 AM
75) 3/30/2014 2:09 PM
76) 3/30/2014 3:44 PM
77) 3/31/2014 8:45 AM
78) 3/31/2014 11:50 AM
79) 3/31/2014 4:38 PM
80) 3/31/2014 7:37 PM
81) 4/1/2014 9:35 AM
82) 4/1/2014 10:49 AM
83) 4/1/2014 5:01 PM
84) 4/1/2014 8:15 PM
85) 4/2/2014 9:26 AM
86) 4/2/2014 11:39 AM
87) 4/2/2014 5:01 PM
88) 4/2/2014 8:06 PM
89) 4/3/2014 9:43 AM
90) 4/3/2014 11:44 AM
91) 4/3/2014 4:50 PM
92) 4/3/2014 6:19 PM
93) 4/4/2014 9:55 AM
94) 4/4/2014 12:10 PM
95) 4/4/2014 5:16 PM
96) 4/4/2014 7:51 PM
97) 4/5/2014 10:49 AM
98) 4/5/2014 1:50 PM
99) 4/5/2014 3:27 PM
100) 4/6/2014 8:37 AM
101) 4/6/2014 9:43 AM
102) 4/6/2014 3:26 PM
103) 4/7/2014 9:25 AM
104) 4/7/2014 12:19 PM
105) 4/7/2014 6:04 PM
106) 4/7/2014 8:13 PM
107) 4/8/2014 9:41 AM
108) 4/8/2014 12:45 PM
109) 4/8/2014 5:30 PM

110) 4/8/2014 7:48 PM
111) 4/9/2014 9:38 AM
112) 4/9/2014 12:34 PM
113) 4/9/2014 4:12 PM
114) 4/9/2014 5:41 PM
115) 4/10/2014 9:21 AM
116) 4/10/2014 12:29 PM
117) 4/10/2014 4:33 PM
118) 4/10/2014 7:41 PM
119) 4/11/2014 8:37 AM
120) 4/11/2014 10:03 AM
121) 4/11/2014 5:40 PM
122) 4/11/2014 7:49 PM
123) 4/12/2014 8:24 AM
124) 4/12/2014 9:52 AM
125) 4/12/2014 12:55 PM
126) 4/12/2014 3:40 PM
127) 4/13/2014 8:42 AM
128) 4/13/2014 10:32 AM
129) 4/13/2014 12:25 PM
130) 4/13/2014 1:56 PM
131) 4/14/2014 8:50 AM
132) 4/14/2014 12:38 PM
133) 4/14/2014 5:30 PM
134) 4/14/2014 8:36 PM
135) 4/15/2014 8:39 AM
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141) 4/17/2014 2:43 PM
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143) 4/18/2014 5:26 AM
144) 4/18/2014 3:26 PM
145) 4/19/2014 5:14 AM
146) 4/21/2014 3:40 AM
147) 4/21/2014 5:40 AM
148) 4/21/2014 12:18 PM
149) 4/22/2014 3:32 AM
150) 4/22/2014 12:09 PM
151) 4/23/2014 4:28 AM
152) 4/23/2014 7:03 AM
153) 4/24/2014 6:35 AM
154) 4/25/2014 5:59 AM

22. Plaintiff is annoyed and harassed by Defendant's continued collection calls to her cellular telephone.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

23. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress or abuse Plaintiff in connection with the collection of a debt;
- b. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone to ring repeatedly and/or continuously with intent to annoy, abuse, or harass Plaintiff;

WHEREFORE, Plaintiff, SHANECKA WILSON, respectfully requests judgment to be entered against Defendant, GENPACT SERVICES, LLC, for the following:

24. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k,

25. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k

26. Any other relief that this Honorable Court deems appropriate.

COUNT II:
DEFENDANT VIOLATED
THE TEXAS FINANCE CODE

27. Defendant violated Texas Finance Code based on, but not limited to, the following:

- a. Defendant violated § 392.302(4) of the Finance code causing a telephone to ring repeatedly or continuously, or making repeated or continuous telephone calls, with the intent to harass Plaintiff;

WHEREFORE, Plaintiff, SHANECKA WILSON, respectfully requests judgment to be entered against Defendant, GENPACT SERVICES, LLC, for the following:

28. Statutory damages of not less than \$100.00 pursuant to Texas Finance Code § 392.403(e);

29. Costs and reasonable attorneys' fees pursuant to Texas Finance Code § 392.403(b);

and

30. Any other relief that this Court deems appropriate.

COUNT III:
DEFENDANT VIOLATED
THE TELEPHONE CONSUMER PROTECTION ACT

31. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

32. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violations of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, SHANECKA WILSON, respectfully requests judgment to be entered against Defendant, GENPACT SERVICES, LLC, for the following:

33. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
34. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
35. All court costs, witness fees and other fees incurred; and
36. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: July 22, 2014

By: /s/ Ryan Lee
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